

From: [Brenda Cook](#)
To: [Robert Myers](#); jeng.terry@epa.gov
Cc: [Gloria-Small Moran](#); [Rafael Casanova](#); [Gary Moore](#); [John Meyer](#)
Subject: Falcon-Pre-Decesional-Do not Cite or Quote
Date: 04/26/2011 09:14 AM
Mood Stamp: Confidential
Attachments: [removal_order_with_signature.pdf](#)
[rifs_order_with_signature.pdf](#)
[Letter - NORCO c-o Bergner - Notice of Work Takeover - 2011-03-28 \(Final\) with concurrence, routing, and outgoing mail rece.pdf](#)

Bob,

Please find attached copies of the AOC with NORCO for both the removal actions and the RI/FS at Falcon. In addition I am sending you the Work Takeover letter that EPA sent NORCO on March 28, 2011. Since March 28th, EPA Region 6 has agreed to let NORCO complete the removal action. EPA is making arrangements to takeover the RI/FS. I am also including the time-line provided to me by the RPM. At your request I reviewed the removal actions, the language in the AOC regarding final listing, and the current Hazard Ranking Score. The AOC clearly states in paragraph 97

97. By entering into this Order and agreeing to settle in accordance with the Superfund Alternative Approach, should there be an inadequate cleanup or an interruption in response actions, NORCO waives any right to challenge a final listing based on changed conditions due to a partial cleanup. In the event that NORCO performs only a portion of the activities in this Order, EPA will proceed to list the Site based on the Site conditions prior to the initiation of any response activities by NORCO. EPA will use the initial scoring for proposing the Site for listing on the NPL and will not take into account any of the response activities performed by NORCO.

that NORCO waives the right to challenge final listing based on changed conditions due to partial clean-up. In addition the takeover letter clearly states that it is EPA intention to add this site to the NPL and also cites language from the AOC's highlighting NORCO agreement to not challenge listing (see page 3 of the letter). Removal actions to date have largely included the removal of bulk waste, scrap metal, oil recycling--volumes according to the OSC are as follows

Disposal of 7, 774, 721 gallons of liquid waste via deep well injection
Recycled 67. 840 pounds of metals
Disposal of 40 cubic yards grossly impacted soils and 15 cubic yards of hazardous soil
Recycled 16,000 gallons of oil and oil filters
Disposed of 75 abandoned/buried drum
Disposed of asbestos wrapping on pipelines
Capped 10 pipelines in adjacent wetlands

The site score was based on unknown but greater than zero was used for 4 of the 5 sources. The main score driver was the observed release to wetlands and a fishery within the TDL. The HWQ of 100 was assigned according to Section 2.4.2.2. of the HRS Rule, a hazardous waste quantity factor value of 100 was assigned because the hazardous constituent quantity data is not adequately determined for one or more sources, and targets for the Surface Water Migration Pathway are subject to Level II concentrations; therefore the removal action (even if we considered it and according to the AOC we do not have to) would have no impact on the site score. The would remain unchanged. I believe we could address the comment letter but stating that we did in fact allow the RP opportunity to clean-up the site, but due to their failure to meet the requirements of the AOC that EPA took over the site clean-up.

Falcon Time-Line

September 2002-Falcon was proposed to the NPL

June 2004- RI/FS and Removal Action AOCs Signed.

October 2007 - Approval of Phase I RI/FS Work Plan, Field Sampling Plan, and Quality Assurance Project Plan.



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May and October 2009 - Approval of Phase II RI/FS Work Plan, Field Sampling Plan, and Quality Assurance Project Plan.

February 2010 - Notification from the PRP that they had no funding to continue the RI/FS and Removal Action and replenish the RI/FS Special Account with \$113,000.

February 2011 - Notification from the PRP that funding was available to continue the RI/FS and Removal Action.

March 15, 2011 - The PRP did not sell the property as planned.

March 28, 2011 - EPA issued work take over letters to the PRP for the RI/FS and Removal, notice of perfecting a lien on the property, and notice of drawing the letters of credit for the RI/FS and Removal Action.

Let me know if you need anything else. I have the narrative summary in concurrence-will send it once I receive concurrence-hopefully today.



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rifs_order_with_signature.pdf



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Assigned Sites for Investigation and Remediation: (<http://www.epa.gov/earth1r6/6sf/6sf-tx.htm>):
Brine Service Company Superfund Site (Corpus Christi, Texas)
Falcon Refinery Superfund Site (Ingleside, Texas)
Many Diversified Interests, Inc. Superfund Site (Houston, Texas)
Palmer Barge Line Superfund Site (Port Arthur, Texas)
State Marine of Port Arthur Superfund Site (Port Arthur, Texas)